

Title	Minors' Compromises and Blocked Accounts (adopt New Rules and Forms)
Summary	The proposed rules would replace current rule 241 with more detailed rules on minors' compromises and new rules on blocked accounts. The new forms would provide parties and the courts with a comprehensive set of forms for petitions for the compromise of minors' claims and for dealing with blocked accounts.
Source	Probate and Mental Health Advisory Committee Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665
Discussion	<p>Presently, rule 241 provides guidance on petitions to compromise the claims of minors and incompetent persons; however, the rule is not as detailed or clear as is desirable. In addition, there are currently no Judicial Council forms available (1) for use in petitions for the compromise of claims or (2) for the handling of blocked accounts.</p> <p>To assist parties and the courts, the Probate and Mental Health Advisory Committee and the Civil and Small Claims Advisory Committee have jointly developed clearer rules and new forms. These rules and forms would apply to both civil and probate proceedings.</p> <p><u>Rules on Minors' Compromises and Blocked Accounts</u></p> <p>The main new rules would be rules 7.950–7.954, which would be located in Title VII (Probate Rules). These rules are based on current local rules, especially local rules on minors' compromises used in many probate courts. Rule 7.950 would specify the information about a settlement that must be contained in a petition for approval of the compromise of the claim of a minor or an incompetent person. Rule 7.951 would specify the additional information that a petition must contain about any attorney's interest in the petition. Finally, rule 7.952 would require the attendance at the hearing of the petitioner and the person whose claim is to be compromised, unless the court for good cause excuses their attendance.</p> <p>Rules 7.953 and 7.954 concern bank accounts held on behalf of a minor or an incompetent person that require court approval for any distributions ("blocked accounts"). Rule 7.953 requires that, in any case involving a blocked account, the order to deposit money must provide that a certified or filed endorsed copy of the order be delivered to a manager at the financial institution where the funds are to be deposited and that a receipt from the financial institution be promptly</p>

filed with the court. Rule 7.954 would prescribe the information that must be contained in a petition for the withdrawal of funds from a blocked account.

Current rule 241 would be repealed. New rule 378 would provide that the compromise of a case under Code of Civil Procedure section 372 must comply with the new probate rules.

The Forms

The advisory committees have jointly developed six new Judicial Council forms. Two relate directly to the compromise of claims. Persons would use the *Petition to Approve Compromise of Claim* (Form MC-350) to request court approval for the compromise of a claim under the Probate Code or Code of Civil Procedure section 372. If the petition is granted, an *Order Approving Compromise of Claim* (Form MC-351) would be used.

To facilitate implementation of compromises, four forms relating to blocked accounts would be adopted. First, in an appropriate case, the court would use the *Order to Deposit Money into Blocked Account* (Form MC-355). After the blocked funds were deposited, the financial institution would complete the *Receipt and Acknowledgement of Order to Deposit Money into Blocked Account* (Form MC-356) and would file it with the court. A *Petition for Withdrawal of Funds from Blocked Account* (Form MC-357) would be available for a petitioner seeking to withdraw funds. Finally, if the petition was granted, an *Order for Withdrawal of Funds from Blocked Account* (Form MC-358) would be issued.

All of the preceding forms would be *mandatory*. As a result, the same basic set of forms would be used statewide for all minors' compromises and all blocked accounts. This should simplify the procedures for parties to obtain court approval for compromises and would promote greater uniformity of practice and administration. Comments are invited on the issue whether any of the forms or parts of the forms should be made **confidential**.

The text of the rules is attached at pages 3–7 and copies of the forms are attached at pages 8–22.

RULE PROPOSAL

Rule 241 of the California Rules of Court would be repealed and new rules 378, 7.950, 7.951, 7.952, 7.953 and 7.954 would be adopted, effective January 1, 2002, to read:

1 **Rule 241. Proceedings involving minors or incompetents**

- 2
- 3 (a) ~~[Application]~~ An application for court approval of a compromise or
- 4 covenant not to sue pursuant to the provisions either of section 1431 of
- 5 the Probate Code or section 372 of the Code of Civil Procedure shall
- 6 disclose, among other things, the age and sex of the minor or
- 7 incompetent, the nature and extent of the injury giving rise to the claim
- 8 with sufficient particularity to inform the court whether the injury is
- 9 permanent or temporary, and the facts or events and circumstances out
- 10 of which the claim or injury arose, including the time, place and persons
- 11 involved.
- 12
- 13 (b) ~~[Disclosure of attorney's interest]~~ When the petitioner is represented
- 14 by counsel, it shall be disclosed to the court by whom and the terms
- 15 under which counsel was employed, whether he became concerned in
- 16 the application at the instance of the party against whom the claim is
- 17 asserted, directly or indirectly, whether he stands in any relationship to
- 18 said party, and whether he has received or expects to receive any
- 19 compensation and from whom.
- 20
- 21 (c) ~~[Attendance at hearing]~~ Upon the hearing of the petition, the person
- 22 compromising the claim on behalf of the minor or incompetent and the
- 23 minor or incompetent shall be in attendance unless for good cause the
- 24 court dispenses with such personal appearance. The court may require
- 25 the presence and testimony of the attending or examining physician, as
- 26 well as other evidence relating to the merits of the claim, the nature and
- 27 extent of the injury, care, treatment and hospitalization.
- 28
- 29

30 **Rule 378. Petition for approval of a compromise of the claim of a minor or**

31 **incompetent person; order for deposit of funds and petition for withdrawal**

32

- 33 (a) **[Petition for approval of a compromise]** A petition for court approval
- 34 of a compromise or covenant not to sue under Code of Civil Procedure
- 35 section 372 must comply with rules 7.950, 7.951, and 7.952.
- 36

1 **(b) [Order for the deposit of funds and petition for withdrawal]** An
2 order for the deposit of funds of a minor or an incompetent person and a
3 petition for the withdrawal of such funds must comply with rules 7.953
4 and 7.954.
5

6 **Rule 7.950. Petition for the approval of a compromise of a claim**
7

8 A petition for court approval of a compromise or covenant not to sue under
9 the Probate Code or under Code of Civil Procedure section 372 must be
10 verified by the petitioner and must contain a full disclosure of all information
11 that has any bearing upon the reasonableness of the compromise or covenant.
12 The information must include, but is not limited to, the following:
13

- 14 (1) The name, birth date, age, and sex of the minor or incompetent person;
15
- 16 (2) An account of the facts or events and the circumstances out of which the
17 claim or injury arose, including the time, the place, and the identity of
18 the persons involved;
19
- 20 (3) A description of the nature and extent of the injury giving rise to the
21 claim, with sufficient particularity to inform the court whether the injury
22 is permanent or temporary;
23
- 24 (4) An original or a photocopy of all doctors' reports containing a diagnosis
25 of and prognosis for the injury, and a report of the claimant's present
26 condition;
27
- 28 (5) In all cases in which payment for medical or hospital care or treatment
29 for the claimant is sought, the names of the hospitals, doctors, and other
30 providers furnishing the care, the amounts of the respective charges for
31 the care, the amounts of any negotiated reductions of the charges, and
32 the net amount owed to each provider;
33
- 34 (6) The amount of attorney's fees requested and the contractual basis for the
35 fees, with an itemization of the costs sought to be allowed and charged
36 against the settlement;
37
- 38 (7) The gross and net amounts of the settlement;
39
- 40 (8) A description of the manner in which the settlement proceeds will be
41 distributed;
42

- 1 (9) A full disclosure of all amounts, if any, paid or to be paid to other
2 claimants;
3
4 (10) A statement of whether the petitioner is a plaintiff in the same action
5 with the minor or incompetent claimant and, if so, whether the pendency
6 or disposition of the petitioner's claim on his or her own behalf has in
7 any way affected the proposed compromise of the claim;
8
9 (11) A statement of whether the petitioner is a claimant against the recovery
10 of the minor or incompetent claimant and, if so, whether the pendency
11 or disposition of petitioner's claim on his or her own behalf has in any
12 way affected the proposed compromise of the claim;
13
14 (12) If settlement money is to be deposited in an account or accounts subject
15 to withdrawal only upon order of the court, the name and address of the
16 proposed depository;
17
18 (13) A statement whether notice of the action or claim has been given under
19 Welfare and Institutions Code section 14124.73; and
20
21 (14) If the petition requests an order for payment of money to a special needs
22 trust, a statement of the method by which all statutory liens will be
23 satisfied under Probate Code section 3604.
24

25 **Rule 7.951. Disclosure of the attorney's interest in a petition to compromise a**
26 **claim**
27

28 If the petitioner has been represented or assisted by an attorney in preparing
29 the petition to compromise the claim or in any other respect with regard to
30 the claim, the petition must disclose the following information:
31

- 32 (1) The name, state bar number, law firm, if any, and business address of
33 the attorney;
34
35 (2) Whether the attorney became involved with the petition, directly or
36 indirectly, at the instance of any party against whom the claim is
37 asserted or of any party's insurance carrier;
38
39 (3) Whether the attorney represents or is employed by any other party or
40 any insurance carrier involved in the matter;
41
42 (4) Whether the attorney has received any attorney's fees or other
43 compensation for services provided in connection with the claim giving

1 rise to the petition or with the preparation of the petition, and, if so, the
2 amounts and the identity of the person who paid the fees or other
3 compensation;
4

5 (5) If the attorney has not received any attorney's fees or other
6 compensation for services provided in connection with the claim giving
7 rise to the petition or with the preparation of the petition, whether the
8 attorney expects to receive any fees or other compensation for these
9 services, and, if so, the amounts and the identity of the person who is
10 expected to pay the fees or other compensation; and
11

12 (6) The terms of any agreement between the petitioner and the attorney.
13

14 **Rule 7.952. Attendance at hearing on the petition to compromise a claim**
15

16 (a) **[Attendance of the petitioner and claimant]** The person
17 compromising the claim on behalf of the minor or incompetent person
18 and the minor or incompetent person must attend the hearing on the
19 compromise of the claim unless the court for good cause dispenses with
20 their personal appearance.
21

22 (b) **[Attendance of the physician and other witnesses]** At the hearing, the
23 court may require the presence and testimony of witnesses, including
24 the attending or examining physician.
25

26 **Rule 7.953. Order for the deposit of funds of a minor or an incompetent**
27 **person**
28

29 (a) **[Acknowledgment of receipt by financial institution]** In any case in
30 which the court orders that funds to be received by a minor or an
31 incompetent person must be deposited in a financial institution and not
32 disbursed without further order of the court, the order must include a
33 provision that a certified or filed endorsed copy of the order must be
34 delivered to a manager at the financial institution where the funds are to
35 be deposited, and that a receipt from the financial institution must be
36 promptly filed with the court, acknowledging receipt of both the funds
37 deposited and the order for deposit of funds.
38

39 (b) **[Order permitting the withdrawal of funds by a former minor]** If,
40 in the order approving the compromise of a minor's claim, there is a
41 finding that the minor will attain the age of majority on a definite date,
42 the order for deposit may require that the depository permit the

withdrawal of funds by the former minor after that date, without further order of the court.

Rule 7.954. Petition for the withdrawal of funds deposited for a minor or an incompetent person

(a) [Verified petition required] A petition for the withdrawal of funds deposited for a minor or an incompetent person must be verified and must include the identity of the depository, a showing of the amounts previously withdrawn, a statement of the balance on deposit at the time of the filing of the petition, and a justification for the withdrawal.

(b) [Ex parte or noticed hearing] A petition for the withdrawal of funds may be considered ex parte or set for a hearing at the discretion of the court.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <hr style="width: 100%;"/> TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold; margin: 20px 0;">DRAFT-3</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
CASE NAME:	HEARING DATE:
<div style="text-align: center; font-weight: bold; margin-bottom: 10px;"> PETITION TO APPROVE COMPROMISE OF CLAIM </div> <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> MINOR <input type="checkbox"/> INCOMPETENT PERSON </div>	DEPT.: TIME:

Note: This form is to be used for the compromise of the claim of a minor or an incompetent person (including a conservatee) under Code of Civil Procedure section 372 et seq. or Probate Code section 3500 et seq. The person compromising the claim and the minor or incompetent person must attend the hearing on this petition unless the court for good cause dispenses with the personal appearance. The court may require the presence and testimony of witnesses, including the attending or examining physician, and other evidence relating to the merits of the claim, and the nature and extent of the injury, care, treatment and hospitalization.

1. **Petitioner (name):**

2. **Claimant (name):**

- a. Address:
 b. Date of birth:
 c. Age:
 d. Sex:
 e. ☐ Minor ☐ Incompetent person

3. **Relationship**

a. Petitioner's relationship to the claimant (check all applicable boxes):

- ☐ (1) Parent
☐ (2) Guardian ad litem
☐ (3) Guardian
☐ (4) Conservator
☐ (5) Other relationship (specify):

- b. Petitioner ☐ is not ☐ is a plaintiff in a suit arising out of the same incident or accident from which the claim arises (if you answered "is," explain the circumstances and whether the pendency or disposition of the petitioner's own claim has in any way affected the proposed compromise of the claim that is the subject of this petition):

☐ Continued on Attachment 3b.

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3. c. Petitioner ☐ is not ☐ is a claimant against the recovery of the claimant *(if you answered "is," explain the circumstances and whether the pendency or disposition of the petitioner's own claim has in any way affected the proposed compromise of the claim that is the subject of this petition):*

☐ Continued on Attachment 3c.

4. Incident or accident

The accident or incident occurred as follows:

- a. Date and time:
- b. Place:
- c. Persons involved:

5. Nature of incident or accident

The facts, events, and circumstances of the accident or incident are *(describe)*:

☐ Continued on Attachment 5.

6. Injuries

The following injuries were sustained by the claimant as a result of the accident or incident *(describe)*:

☐ Continued on Attachment 6.

7. Treatment

The claimant received the following care and treatment for the injuries sustained as a result of the accident or incident *(describe)*:

☐ Continued on Attachment 7.

8. Extent of injuries and recovery

(An original or a photocopy of all doctors' reports containing a diagnosis of and prognosis for the claimant's injuries, and a report of the claimant's present condition, must be attached to this petition as Attachment 8.)

- a. ☐ The claimant has recovered completely from the effects of the injuries described in item 6, and there is no permanent injury.

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8. b. ☐ The claimant has not recovered completely from the effects of the injuries described in item 6, and the injuries from which the claimant has not recovered are temporary (*describe the remaining injuries*):

☐ Continued on Attachment 8b.

- c. ☐ The claimant has not recovered completely from the effects of the injuries described in item 6, and the injuries from which the claimant has not recovered are permanent (*describe the permanent injuries*):

☐ Continued on Attachment 8c.

9. **Medical expenses**

The names of the hospitals, doctors, and other providers that have furnished care and treatment for claimant, the respective charges for such care and treatment, the amounts of negotiated reductions of the charges, if any, and the net amounts owed to each provider are described below.

- a. Provider (*name*):

(1) Address:

(2) Care or treatment (*describe*):

(3) Amount charged: \$

(4) Negotiated reduction: \$

(5) Net amount owed: \$

- b. Provider (*name*):

(1) Address:

(2) Care or treatment (*describe*):

(3) Amount charged: \$

(4) Negotiated reduction: \$

(5) Net amount owed: \$

- c. Provider (*name*):

(1) Address:

(2) Care or treatment (*describe*):

(3) Amount charged: \$

(4) Negotiated reduction: \$

(5) Net amount owed: \$

☐ Continued (*If there are additional providers that treated the claimant, provide information about them on a separate list designated as Attachment 9.*)

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10. Information about attorney

- a. (1) ☐ Petitioner has not been represented or assisted by an attorney in preparing this petition or in any other regard with respect to the claim asserted.
- (2) ☐ Petitioner has been represented or assisted by an attorney in preparing this petition or with respect to the claim asserted (*if this is checked, answer questions 10b–10g below*).
- b. The attorney who has represented or assisted petitioner is (*name*):
- (1) State bar number:
- (2) Law firm:
- (3) Address:
- c. The attorney ☐ did not ☐ did become concerned with this matter, directly or indirectly, at the instance of a party against whom the claim is asserted or a party's insurance carrier (*if you answered "did," explain the circumstances*):

☐ Continued on Attachment 10c.

- d. The attorney ☐ is not ☐ is representing or employed by any other party or any insurance carrier involved in the matter (*if you answered "is," identify the party or carrier and the relationship*):

☐ Continued on Attachment 10d.

- e. The attorney ☐ has not ☐ has received attorney's fees or other compensation for services provided in connection with the claim giving rise to this petition (*if you answered "has," identify the person who paid the fees or other compensation, the amounts paid, and the dates of payment*):

From whom

Amounts

Dates

☐ Continued on Attachment 10e.

- f. The attorney ☐ does not ☐ does expect to receive attorney's fees or other compensation for services provided in connection with the claim giving rise to this petition (*if you answered "does," identify the person who will pay the fees or other compensation, the amounts to be paid, and the expected dates of payment*):

From whom

Amounts

Dates

☐ Continued on Attachment 10f.

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10. g. Petitioner and attorney ☐ do not ☐ do have an agreement for services provided in connection with the claim giving rise to this petition (if you answered "do," describe the terms of the agreement including the amount of any contingency fee):

☐ Continued on Attachment 10g.

11. Amount and terms of settlement

a. ☐ By way of settlement, each defendant has offered to pay the following sums to the claimant:

<u>Defendants (names)</u>	<u>Amounts</u>
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b. The terms of settlement are as follows (if the settlement is to be paid in installments, both the total amount and the present value of the settlement must be included):

☐ Continued on Attachment 11.

12. Damage payments to others

a. ☐ By way of settlement, defendant has not offered to pay to any other person or persons money damages arising out of the same incident or accident that resulted in injury to the claimant.

b. ☐ By way of settlement, defendant has offered to pay to another person or persons money damages arising out of the same incident or accident.

(1) The total amount offered by the defendant to others (specify): \$

(2) The damage payments are to be apportioned and distributed as follows:

Other plaintiffs or claimants (names)

Amounts

☐ Continued on Attachment 12b.

13. Attorney's fees and expenses

a. (1) Total amount of attorney's fees requested: \$

(2) The contractual basis for the award of attorney's fees (explain):

☐ Continued on Attachment 13a.

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13. b. The following additional items of expense have been incurred or paid, are reasonable, resulted from the incident or accident, and should be paid out of the proceeds of the settlement to be paid to the claimant:
- | <u>Items</u> | <u>Amounts</u> |
|--------------|----------------|
|--------------|----------------|

☐ Continued on Attachment 13b.

14. Total balance

The total balance *(after payment of all fees and expenses)*: \$

15. Disposition of settlement proceeds

Petitioner requests that the balance of the settlement proceeds be disbursed as follows:

- a. ☐ Deposit in blocked account:
The balance will be deposited in an interest-bearing, federally insured account, from which no withdrawals shall be made without a court order, located at *(name of depository, branch, and address)*:

- b. ☐ Other disbursement of balance:
The balance will be *(describe other disposition of settlement funds)*:

16. Notice

Notice of the claim or action ☐ has ☐ has not been given under Welfare and Institutions Code section 14124.73 *(if notice has not been given, explain)*:

☐ Continued on Attachment 16.

17. Liens

Petitioner ☐ requests ☐ does not request a court order for payment of funds to a special needs trust *(if petitioner requests such an order, explain how under Probate Code section 3604 statutory liens, if any, will be satisfied)*:

☐ Continued on Attachment 17.

18. ☐ Other orders requested *(explain)*:

☐ Continued on Attachment 18.

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19. **Petitioner has made a careful and diligent inquiry and investigation to ascertain the facts relating to the accident in which the claimant was injured, the responsibility for the accident, and the nature, extent and seriousness of the claimant's injuries. Petitioner fully understands that if the compromise proposed in this petition is approved by the court and is consummated, the claimant will be forever barred from seeking any further recovery of compensation even though the claimant's injuries might in the future appear to be more serious than they are now thought to be.**
20. Petitioner recommends the compromise settlement to the court as being fair, reasonable, and in the best interest of the claimant and requests that the court approve this compromise settlement and make such other and further orders as may be just and reasonable.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

- Code of Civil Procedure, § 372 et seq.;
Probate Code, § 3500'
Cal. Rules of Court, rules 378 and 7.953

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6. a. (3) ☐ Medical, hospital, ambulance, nursing and other like expenses in the total amount of: \$ payable as follows:

(i) Payee (*name*):

(a) Address:

(b) Amount:

(ii) Payee (*name*):

(a) Address:

(b) Amount:

(iii) Payee (*name*):

(a) Address:

(b) Amount:

(iv) Payee (*name*):

(a) Address:

(b) Amount:

☐ Continued (*if there are additional payees, a list of such payees must be attached to this form as Attachment 6a(3).*)

(4) ☐ Other authorized payments (*specify*):

(5) ☐ Total allowance for fees and expenses: \$

b. Balance

The balance of the settlement proceeds shall be disbursed as follows:

(1) ☐ By one or more checks or drafts in the total amount of (*specify*): \$ drawn payable to the order of the petitioner as trustee for the claimant. Each such check or draft shall bear an endorsement on the face or reverse that it is for deposit in an interest-bearing, federally-insured account in the name of the petitioner as trustee for the claimant, and no withdrawals shall be made from the account without a written court order (a "blocked account").

(2) ☐ By the following method (*specify*):

If the method involves the payment of money to a special needs trust, all statutory liens in favor of the State Department of Mental Health, the State Department of Developmental Services, and any city and county in California must first be satisfied by the following method (*specify*):

7. Blocked accounts

If the court orders distribution of the balance into a blocked account or accounts under item 6b(1), it further orders:

a. Within 48 hours of receipt of a check or draft described in item 6b(1), the petitioner and the petitioner's attorney must deposit the check or draft in the petitioner's name as trustee for the claimant in a blocked account at (*specify name, branch, and address of each depository*):

b. The petitioner and the petitioner's attorney must deliver to each depository at the time of deposit three copies of the *Order to Deposit Money Into Blocked Account* ("Order"), which is signed contemporaneously with this order, and three copies of the *Receipt and Acknowledgment of Order to Deposit Money* ("Receipt"). The petitioner or the petitioner's attorney must file a copy of the *Receipt* with this court within 15 days of the deposit. The sole responsibilities of the petitioner are to place the balance in a blocked account or accounts and to timely file a copy of the *Receipt*.

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7. c. The balance of the settlement proceeds deposited in a blocked account under item 6b(1) may be withdrawn only as follows *(check only (1) or (2))*:

- (1) ☐ No withdrawals of principal or interest may be made from the blocked account or accounts without a written order under this case name and number, signed by a judge and bearing the seal of this court. The money on deposit is not subject to escheat.
- (2) ☐ The blocked account or accounts belong to a minor. The minor was born on *(date)*:
No withdrawals of principal or interest may be made from the blocked account or accounts without a written order under this case name and number, signed by a judge and bearing the seal of this court, until the minor attains the age of 18 years. When the minor attains the age of 18 years, the depository, without further order of this court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all moneys including interest deposited under this order. The money on deposit is not subject to escheat.

8. Authorization to execute settlement documents

The petitioner is authorized to execute settlement documents as follows *(check only one)*:

- a. ☐ Upon receipt of the full amount of the settlement sum approved by this order and the deposit of funds, the petitioner is authorized and directed to execute and deliver to the payer a full, complete, and final release and discharge of any and all claims and demands of the claimant by reason of the accident or incident described in the petition and the resultant injuries to the minor, and a properly executed dismissal with prejudice.
- b. ☐ The petitioner is authorized and directed to execute any and all documents reasonably necessary to carry out the terms of the settlement.
- c. ☐ The petitioner is authorized and directed *(specify)*:

9. Bond is waived.

10. A copy of this order shall be served on the payer forthwith.

11. Other *(specify)*:

Date:

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

- Code of Civil Procedure, § 372 ;
Probate Code, § 3600 et seq.;
Cal. Rules of Court, rules 378 and 7.953

Code of Civil Procedure, § 372 ;
Probate Code, § 3600 et seq.;
Cal. Rules of Court, rules 378 and 7.953

<div>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):</div> <div>TELEPHONE NO. (Optional):</div> <div>E-MAIL ADDRESS (Optional):</div> <div>ATTORNEY FOR (Name):</div>		<div>FOR COURT USE ONLY</div> <div>DRAFT-3</div>
<div>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</div> <div>STREET ADDRESS:</div> <div>MAILING ADDRESS:</div> <div>CITY AND ZIP CODE:</div> <div>BRANCH NAME:</div> <div>CASE NAME:</div>		
<div>PETITION FOR WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT</div> <div><input type="checkbox"/> EX PARTE</div>		<div>CASE NUMBER:</div>

1. Petitioner (*name*):
requests an order permitting the withdrawal of funds belonging to the person described below.
2. The person whose funds are to be withdrawn (*name*):
a. ☐ a minor.
b. ☐ a conservator.
c. ☐ a beneficiary.
d. ☐ other (*specify*):
3. The information about the person identified in item 2 is as follows:
a. Date of birth:
b. Address:
c. Telephone no.:
d. Current school (*name and location*):

e. Current employer (*name and address*):
4. If the person identified in item 2 is a minor, the minor's parents are
a. Mother (*name, address, telephone no.*):

b. Father (*name, address, telephone no.*):
5. Petitioner brings this petition as (*indicate capacity*):
a. ☐ trustee.
b. ☐ custodian.
c. ☐ parent.
d. ☐ guardian.
e. ☐ other (*specify*):
6. Account status:
a. Name and title on account:
b. Depository (*name*):
(1) Branch:
(2) Address:
c. Account number:
d. Current balance:

(Continued on reverse)

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6. e. Previous withdrawal was *(select one)*:

- (1) ☐ None.
 (2) ☐ As follows:
 (a) Amount: \$
 (b) Date:
 (c) Purpose:

☐ Continued on Attachment 6 *(provide information relating to each additional account from which funds are to be withdrawn on a separate attachment)*.

7. Amount of funds to be disbursed under this petition:

- a. ☐ Balance of account or accounts.
 b. ☐ Other *(specific total amount to be disbursed)*: \$

8. Reasons for disbursement of funds:

- a. ☐ Minor has attained the age of 18 years or older, and this is a final distribution.
 b. ☐ Other *(describe)*:

9. Payee to whom funds will be distributed:

a. Payee *(name)*:

- (1) Address:
 (2) Amount: \$
 (3) Purpose:

b. Payee *(name)*:

- (1) Address:
 (2) Amount: \$
 (3) Purpose:

c. Payee *(name)*:

- (1) Address:
 (2) Amount: \$
 (3) Purpose:


d. Payee *(name)*:

- (1) Address:
 (2) Amount: \$
 (3) Purpose:

☐ Continued on Attachment 8 *(if there are additional payees, make a list and attach it to this petition as Attachment 9)*.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

<hr/> (TYPE OR PRINT NAME)		<hr/> (SIGNATURE OF PETITIONER)
		<input type="checkbox"/> SIGNATURE FOLLOWS LAST ATTACHMENT

[illegible]

1. The petition of (name): _____ for withdrawal of funds
- a. ☐ was heard ex parte.
- b. ☐ came on regularly for hearing in this court on (date): _____

THE COURT ORDERS

2. Petitioner is authorized to withdraw funds and the depository is ordered to allow the petitioner to withdraw funds, upon presentation of a filed endorsed copy of this order, in the total amount of: \$
3. The funds are located in the following account:
 - a. Name and title on the account:
 - b. Depository (*name*):
 - (1) Branch:
 - (2) Address:
 - c. Account Number:
4. The funds are to be distributed by the depository, remittance payable as follows:
 - a. Payee (*name*):
Amount: \$
 - b. Payee (*name*):
Amount: \$
 - c. Payee (*name*):
Amount: \$
 - d. Payee (*name*):
Amount: \$
5. ☐ The court further orders:

Date:

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT